

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GUILLERMO TRUJILLO CRUZ,

Plaintiff,

v.

S. SAVOIE, et al.

Defendants.

Case No.: 1:24-cv-00006-KES-CDB (PC)

ORDER DISMISSING ACTION WITHOUT
PREJUDICE

Doc. 10

Plaintiff Guillermo Trujillo Cruz proceeds pro se in this civil action filed pursuant to 42 U.S.C. § 1983. Doc. 1. On January 16, 2024, the assigned magistrate judge issued findings and recommendations recommending that plaintiff's application to proceed in forma pauperis be denied, and that plaintiff be required to pay the filing fee in full. Doc. 4. The findings and recommendations concluded that plaintiff was subject to the three-strikes bar of 28 U.S.C. § 1915(g) and that plaintiff failed to show he was in imminent danger of physical injury sufficient to warrant an exception under § 1915. *Id.*

On July 29, 2025, the Court adopted the findings and recommendations, denied plaintiff's application to proceed in forma pauperis, and ordered plaintiff to pay the filing fee in full within

1 thirty (30) days.¹ Doc. 10. Plaintiff was warned if he failed to pay the filing fee within the
2 specified time, the action would be dismissed without further notice. *Id.* at 2. Despite the Court's
3 warning, plaintiff has failed to pay the required filing fee and the deadline for him to do so has
4 expired. Without such payment, the action cannot proceed before the Court. *See Saddozai v.*
5 *Davis*, 35 F.4th 705, 709 (9th Cir. 2022).

6 Accordingly:

- 7 1. This action is dismissed, without prejudice, for plaintiff's failure to pay the filing fee; and
8 2. The Clerk of the Court is directed to close this case.

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11 IT IS SO ORDERED.

12 Dated: September 25, 2025

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UNITED STATES DISTRICT JUDGE

¹ Although the findings and recommendations were returned to the Court as undeliverable on August 18, 2025, they were properly served on plaintiff. *See* Local Rule 182(f) ("Each appearing attorney and pro se party is under a continuing duty to notify the Clerk and all other parties of any change of address or telephone number of the attorney or the pro se party. Absent such notice, service of documents at the prior address of the attorney or pro se party shall be fully effective.").